IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 689 of 2007
Date of Decision: 5.3.2007

Sukhwinder Singh ...Appellant

Versus

Punjab National Bank ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Manoj Kumar, Advocate, for the appellant.

HEMANT GUPTA, J.

The defendant is in second appeal aggrieved against the judgment and decree passed by the learned first Appellate Court on 16.11.2006, whereby a decree passed by the learned trial Court in the sum of Rs.3,66,857/- was affirmed.

It has been found by the learned first Appellate Court that the defendant has not appeared even as his own witness and that there was no suggestion put to the witness produced by the plaintiff that the whole amount has not been disbursed and that no suggestion was put to the witness or cross-examination was conducted in relation to the statement of accounts filed by the plaintiff-Bank.

The argument raised by the learned counsel for the appellant is that certain amount has not been adjusted in the statement of accounts produced by the plaintiff, is not sustainable. It was for the defendant-appellant to produce documents or to point out that any transaction has not been correctly reflected in the statement of accounts

produced by the plaintiff. Having failed to do so, it is not open to the appellants to dispute the statement of accounts produced by the plaintiff.

Consequently, I do not find any patent illegality or irregularity in the findings recorded by the learned first Appellate Court, which may give rise to any substantial question of law in the present appeal.

Hence, the present appeal is dismissed.

05-03-2007 (HEMANT GUPTA)
ds JUDGE